

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

| | | | | | | |
|--|---|---|---|---|--|--|
| I. (a) PLAINTIFFS Margaret Torres | | DEFENDANTS Walmart, Inc. and Wal-Mart Stores Texas, LLC | | | | |
| (b) County of Residence of First Listed Plaintiff <u>Bexar</u> <small>(EXCEPT IN U.S. PLAINTIFF CASES)</small> | | County of Residence of First Listed Defendant <small>(IN U.S. PLAINTIFF CASES ONLY)</small> | | | | |
| (c) Attorney's (Firm Name, Address, and Telephone Number) Andrew E. Toscano, Gene Toscano, Inc., 846 Culebra Road, San Antonio, Tx 78201; (210) 732-6091 | | Attorneys (If Known) James K. Floyd, Elizabeth W. Yancy, Daw & Ray, LLP, 14100 San Pedro, Suite 302, San Antonio, Tx 78232; (210) 224-3121 | | | | |
| II. BASIS OF JURISDICTION (Place an "X" in One Box Only) | | III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) | | | | |
| <input type="checkbox"/> 1 U.S. Government Plaintiff | | <input type="checkbox"/> PTF 1 DEF 1 Incorporated or Principal Place of Business In This State | | | | |
| <input type="checkbox"/> 2 U.S. Government Defendant | | <input type="checkbox"/> PTF 4 DEF 4 Incorporated and Principal Place of Business In Another State | | | | |
| <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) | | <input type="checkbox"/> PTF 5 DEF 5 Foreign Nation | | | | |
| <input checked="" type="checkbox"/> 4 Diversity <small>(Indicate Citizenship of Parties in Item III)</small> | | <input type="checkbox"/> 6 | | | | |
| IV. NATURE OF SUIT (Place an "X" in One Box Only) | | | | | | |
| CONTRACT | TORTS | FORFEITURE/PENALTY | BANKRUPTCY | | | |
| <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise | PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury | PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability | <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other | <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 | <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/ Exchange | |
| REAL PROPERTY | CIVIL RIGHTS | PRISONER PETITIONS | PROPERTY RIGHTS | SOCIAL SECURITY | OTHER STATUTES | |
| <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property | <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights | <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition | <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act | <input type="checkbox"/> 861 HIA (1395ft) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) | <input type="checkbox"/> 861 HIA (1395ft) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) | <input type="checkbox"/> 420 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark |
| V. ORIGIN (Place an "X" in One Box Only) | VI. CAUSE OF ACTION | FEDERAL TAX SUITS | | | | |
| <input type="checkbox"/> 1 Original Proceeding | <input checked="" type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from another district (specify) | <input type="checkbox"/> 6 Multidistrict Litigation | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment |
| Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): Title 28 U.S.C., Section 1332 (Diversity) | | Brief description of cause: Premises Liability | | | | |
| VII. REQUESTED IN COMPLAINT: | | <input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 | | DEMAND \$ 1,000,000.00 | CHECK YES only if demanded in complaint: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | |
| VIII. RELATED CASE(S) IF ANY | | <small>(See instructions):</small> JUDGE | | DOCKET NUMBER | | |
| DATE 3/16/22 | | SIGNATURE OF ATTORNEY OF RECORD | | JAMES K. FLOYD | | |
| <small>FOR OFFICE USE ONLY</small> | | | | | | |
| RECEIPT # | | AMOUNT | | APPLYING IFFP | | JUDGE |
| | | | | | | MAG. JUDGE |